

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS**

IN RE

ANDERSON, Mark G.

xxx-xx-6782

ANDERSON, Sharon E.

xxx-xx-1428

Debtor(s)

Chapter 13

Case No. 09-18779-FJB

**TRUSTEE'S OBJECTION TO CONFIRMATION OF THE DEBTORS' CHAPTER 13  
PLAN**

Now comes Carolyn Bankowski, Standing Chapter 13 Trustee, and respectfully objects to the confirmation of the Debtors' Chapter 13 Plan (the "Plan"), and for reasons therefore says as follows:

1. The Debtors commenced this case by filing a petition under Chapter 13 on September 15, 2009.
2. On November 17, 2009, the Trustee presided over a 341 meeting of creditors and examined the Debtors. On March 4, 2010 the Debtors filed an amended plan. The Trustee cannot recommend the Plan for confirmation at this time because it is not feasible.
3. Specifically, the Plan proposes monthly plan payments of \$300.00 over a term of 60 months for a total plan cost of approximately \$18,000.00.
4. According to Debtors' Schedules I and J, the Debtors' monthly net disposable income totals \$92.28 which is not sufficient disposable income to fund the Plan.
5. In addition, the amended plan is miscalculated. The amended plan proposes a 7% dividend of \$147,212.44 which equals \$10,305.00 not \$9,700.00.
6. Further, the Plan includes \$6,500.00 in attorney's fees in Section IV. The Fee Application filed by the Debtors' attorney indicates that a retainer of \$2,700.00 was paid and that the attorney is owed a balance of \$3,800.00. The Trustee has also objected to the Fee Application
7. If the administrative claim is adjusted to \$3,800.00 (assuming this amount is approved by the court) there will be an additional \$2,700.00 available to unsecured creditors.

**WHEREFORE** the Chapter 13 Trustee respectfully requests that the Court sustain her objection to confirmation, and for such other relief as is appropriate.

Dated: March 26, 2010

Respectfully submitted,

By: /s/ Carolyn Bankowski  
Carolyn Bankowski, BBO#631056  
Patricia A. Remer, BBO#639594  
Standing Chapter 13 Trustee  
PO Box 8250  
Boston, MA 02114  
(617) 723-1313

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**Certificate of Service**

The undersigned hereby certifies that on March 26, 2010, a copy of the Trustee's Objection to Debtor's Chapter 13 Plan was served via first class mail, postage prepaid or by electronic notice on the debtor and debtor's counsel at the addresses set forth below.

Mark & Sharon Anderson  
12 Liberty Street  
Beverley, MA 01915

Richard M. Canzano  
36 Commerce Way  
Woburn, MA 01801

/s/ Carolyn Bankowski